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Attorneys for Defendant  
GULF INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES A. HARRIS

Plaintiff,

v.

GULF INSURANCE COMPANY

Defendant.

MICHAEL J. STONE,

Plaintiff/Intervenor.

) Case No. C 01 4906 CW

) Hon. Claudia Wilken

) **STIPULATION AND ~~PROPOSED~~**  
) **ORDER TO CONTINUE SCHEDULE**  
) **FOR MOTION FOR SUMMARY**  
) **JUDGMENT**

This Stipulation is entered into by plaintiff James A. Harris, plaintiff/intervenor Michael J. Stone, and defendant Gulf Insurance Company, by and through their respective counsel of record.

WHEREAS, on July 8, 2005, a case management conference proceeded in this matter before Judge Wilken;

WHEREAS, at the case management conference, Judge Wilken ordered the parties to pursue settlement negotiations aimed at effectuating the disposition of this action, including but not limited to a disposition that would facilitate Gulf's stated intent to appeal Judge Wilken's

1 prior ruling on the interpretation of Gulf's Insured versus Insured Exclusion;

2 WHEREAS, the parties have in good faith engaged in serious settlement discussions  
3 since the time of the case management conference such that it now appears possible that a  
4 mutually acceptable resolution of this action which will facilitate Gulf's appeal can be arrived at  
5 between the parties;

6 WHEREAS, at the case management conference, Judge Wilken also ordered defendant  
7 Gulf to file its motion for summary judgment on the Genuine Dispute Doctrine by May 29, 2005,  
8 for a hearing date on September 2, 2005; and,

9 WHEREAS, the parties have mutually agreed that the interests of the parties and judicial  
10 economy would be best served by continuing the schedule for Gulf's motion for summary  
11 judgment in order to allow the parties to focus their efforts on their attempt to work out a  
12 negotiated disposition of the action;

13 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

- 14 1. The prior briefing schedule for Gulf's motion for summary judgment is hereby  
15 vacated; and  
16 2. Gulf shall file its motion for summary judgment on or before August 12, 2005,  
17 which motion shall be set for hearing on September 16, 2005.

18 SO STIPULATED:

19 DATED: July 18, 2005

TUCKER ELLIS & WEST LLP

21 By:   
22 Peter J. Koenig


Alec Boyd

Attorneys for Defendant

GULF INSURANCE COMPANY

24 DATED: July 18, 2005

HELLER EHRMAN WHITE & MCAULIFFE

26 By:   
27 Stephen N. Goldberg

Celia M. Jackson


Attorneys for Plaintiff

JAMES A. HARRIS

Stipulation and Order

1 DATED: July 18, 2005

JEFFER MANGELS BUTLER & MARMARO

2  
3 By:   
4 Julia J. Rider  
5 Attorneys for Plaintiff/Intervenor  
6 MICHAEL J. STONE  
7

8 SO ORDERED:

9 DATED: July 21, 2005

10  
11 /s/ CLAUDIA WILKEN  
12 By: \_\_\_\_\_  
13 Hon. Claudia Wilken  
14 United States District Judge  
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Stipulation and Order